

**UNITED STATES BANKRUPTCY COURT  
MIDDLE DISTRICT OF NORTH CAROLINA  
DURHAM DIVISION**

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In re:

**VICTOR CLIFTON FOWLER and TONYA  
ANN FOWLER**

**Case No. 10-80770**

S.S. Nos.: xxx-xx-5973 and xxx-xx-9043

Mailing Address: 2615 BEAVERTAIL DR, Hillsborough, NC 27278-

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Debtors.

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**NOTICE TO CREDITORS AND PROPOSED PLAN**

The Debtors have filed for relief under Chapter 13 of the United States Bankruptcy Code on April 30, 2010.

The filing automatically stays collection and other actions against the Debtors, Debtors' property and certain co-debtors. If you attempt to collect a debt or take other action in violation of the bankruptcy stay, you may be penalized.

Official notice will be sent to creditors, which will provide the name and address of the Trustee, the date and time of the meeting of creditors, and the deadline for objecting to the plan. The official notice will include a proof of claim form.

A creditor must timely file a proof of claim with the Trustee in order to receive distributions under the plan. The Trustee will mail payments to the address provided on the proof of claim unless the creditor provides another address in writing for payments. If the claim is subsequently assigned or transferred, the Trustee will continue to remit payment to the original creditor until a formal notice of assignment or transfer is filed with the Court.

Attached is a copy of the Debtors' proposed Chapter 13 Plan consisting of 2 documents entitled: (1) Chapter 13 Plan and (2) Ch. 13 Plan - Debts Sheet (Middle). This is the same Plan that has already been filed with the Court.

Dated: June 9, 2010

**LAW OFFICES OF JOHN T. ORCUTT, P.C.**

/s John T. Orcutt

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John T. Orcutt  
N.C. State Bar No. 10212  
Counsel for the Debtors  
6616-203 Six Forks Rd.  
Raleigh, N.C. 27615  
Tel. No. (919) 847-9750

circular.wpt (rev. 5/17/09)

**CH. 13 PLAN - DEBTS SHEET**  
(MIDDLE DISTRICT - DESARDI VERSION)

Date: 4/6/10  
 Lastname-SS#: Fowler-5973

**RETAIN COLLATERAL & PAY DIRECT OUTSIDE PLAN**

	Creditor Name	Sch D #	Description of Collateral
Retain			

**SURRENDER COLLATERAL**

Creditor Name	Description of Collateral

**ARREARAGE CLAIMS**

	Creditor Name	Sch D #	Arrearage Amount	(See †)
Retain				**
				**
				**
				**
				**
				**
				**
				**

**REJECTED EXECUTORY CONTRACTS/LEASES**

Creditor Name	Description of Collateral

**LTD - DOT ON PRINCIPAL RESIDENCE & OTHER LONG TERM DEBTS**

	Creditor Name	Sch D #	Monthly Contract Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain				N/A	n/a		
				N/A	n/a		
				N/A	n/a		
				N/A	n/a		

**STD - SECURED DEBTS *u* FMV**

	Creditor Name	Sch D #	FMV	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	Wells Fargo		\$51,695	5.00	\$517	\$1,013.21	Mobile Home, Land and Escrow
	American General			5.00			Mobile Home and Land
	American General		\$200	5.00		\$3.92	1977 Harley HD
				5.00			

**STD - SECURED DEBTS *u* 100%**

	Creditor Name	Sch D #	Payoff Amount	Int. Rate	Adequate Protection	Minimum Equal Payment	Description of Collateral
Retain	BB&T		\$12,154	5.00	\$122	\$238.22	2006 Chevrolet Trailblazer
				5.00			
				5.00			
				5.00			
				5.00			

**ATTORNEY FEE (Unpaid part)**

Law Offices of John T. Orcutt, P.C. Amount \$2,800

**SECURED TAXES**

IRS Tax Liens Secured Amt

Real Property Taxes on Retained Realty

**UNSECURED PRIORITY DEBTS**

IRS Taxes Amount

State Taxes \$129

Personal Property Taxes

Alimony or Child Support Arrearage

CO-SIGN PROTECT (Pay 100%) Int.% Payoff Amt

All Co-Sign Protect Debts (See\*)

GENERAL NON-PRIORITY UNSECURED Amount\*\*

DMI= \$229 \$8,244

**PROPOSED CHAPTER 13 PLAN PAYMENT**

\$ **\$1,479** per month for **60** months, then

\$ N/A per month for N/A months.

Adequate Protection Payment Period: **2.01** months.

Sch D # = The number of the secured debt as listed on Schedule D.

Adequate Protection = Monthly 'Adequate Protection' payment amt.

† = May include up to 2 post-petition payments.

\* Co-sign protect on all debts so designated on the filed schedules.

\*\* = Greater of DMI x ACP or EAE (Page 4 of 4)

Ch13Plan\_MD\_(DeSardi Version 1/12/10) © LOJTO

**Other Miscellaneous Provisions**

Plan to allow for 3 "waivers".

## **CERTIFICATE OF SERVICE**

I, WILLIAM MCDONALD, the undersigned, certifies that a copy of the foregoing **NOTICE TO CREDITORS AND PROPOSED PLAN** was served by automatic electronic noticing upon the following Trustee:

Richard M. Hutson, II  
Chapter 13 Trustee

and was also served by first class U.S. mail, postage prepaid, to the following parties at their respective addresses:

**All the creditors set forth on the mailing matrix filing in this case.**

/s WILLIAM MCDONALD  
WILLIAM MCDONALD

North Carolina Department of Revenue  
c/o NC Department of Justice  
Post Office Box 629  
Raleigh, NC 27602-0629

Internal Revenue Service (ED)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

Duke Hospital  
Billing and Collections  
Post Office Box 3095 HBO-AR  
Durham, NC 27710-3095

Employment Security Commission  
Attn: Benefit Payment Control  
Post Office Box 26504  
Raleigh, NC 27611-6504

US Attorney's Office (ED)\*\*  
310 New Bern Avenue  
Suite 800, Federal Building  
Raleigh, NC 27601-1461

Durham Radiology  
Central Medical Park  
2609 North Duke Street Ste 303  
Durham, NC 27704

Credit Bureau  
Post Office Box 26140  
Greensboro, NC 27402

Absolute Collection Service \*\*  
421 Fayetteville Street Mall  
Suite 600  
Raleigh, NC 27601

E Recovery Solutions  
1650 Cambria Street, NE  
Christiansburg, VA 24073

NC Child Support  
Centralized Collections  
Post Office Box 900006  
Raleigh, NC 27675-9006

AFNI-Bloom  
404 Brock Drive  
Post Office Box 3517  
Bloomington, IL 61702-3517

Enhanced Recovery Corporation  
Post Office Box 1967  
Southgate, MI 48195-0967

Equifax Information Systems LLC  
P.O. Box 740241  
Atlanta, GA 30374-0241

American General Finance  
3808 Guess Road  
Suite D  
Durham, NC 27705-1550

First Premier Bank  
Credit Card Department  
P.O. Box 5147  
Sioux Falls, SD 57117-5519

Experian  
P.O. Box 2002  
Allen, TX 75013-2002

BB&T  
PO Box 819  
Wilson, NC 27894

GEMB/Lowe's  
Post Office Box 981416  
El Paso, TX 79998-1416

Innovis Data Solutions  
Attn: Consumer Assistance  
P.O. Box 1534  
Columbus, OH 43216-1534

Citi Card\*\*  
Post Office Box 6500  
Sioux Falls, SD 57117-6500

Home Depot Credit Services\*\*\*  
Post Office Box 653000  
Dallas, TX 75265-3000

Trans Union Corporation  
P.O. Box 2000  
Crum Lynne, PA 19022-2000

Citifinancial  
Post Office Box 6932  
The Lakes, NV 88901

Internal Revenue Service (MD)\*\*  
Post Office Box 21126  
Philadelphia, PA 19114-0326

ChexSystems  
Attn: Consumer Relations  
7805 Hudson Road, Ste. 100  
Woodbury, MN 55125

Credit Bureau of Greensboro\*\*  
Post Office Box 26140  
Greensboro, NC 27402-0040

Interstate Credit Collections  
Post Office Box 3136  
Winston Salem, NC 27102-3136

Law Offices of John T. Orcutt  
6616-203 Six Forks Road  
Raleigh, NC 27615

T-Mobile\*\*  
Bankruptcy Department  
Post Office Box 37380  
Albuquerque, NM 87176-7380

NCO Financial Services \*\*  
PO Box 15630  
Dept 99  
Wilmington, DE 19850

US Attorney's Office (MD)\*\*  
Middle District  
Post Office Box 1858  
Greensboro, NC 27502-1858

North Carolina Department of Revenue  
c/o Reginald S. Hinton  
Post Office Box 25000  
Raleigh, NC 27640-5000

Wells Fargo  
Post Office Box 98751  
Las Vegas, NV 89193-8751

North Carolina Dept of Revenue\*\*  
Post Office Box 1168  
Raleigh, NC 27602-1168

Wells Fargo Home Mortgage\*\*\*\*  
Post Office Box 14547  
Des Moines, IA 50306-3547

Oral & Maxillofacial Surgery Center  
2823 Roxboro Road  
Durham, NC 27704

Orange County Tax Collections\*\*  
PO Box 8181  
Hillsborough, NC 27278

Private Diagnostic Clinic, PLLC  
P.O. Box 900002  
Raleigh, NC 27675-9000

RCS Center Corporation\*\*  
PO Box 943  
Brookfield, WI 53008-0943

Sprint\*\*  
Post Office Box 8077  
London, KY 40742